

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing Section
5 5-1022 as follows:

6 (55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)

7 Sec. 5-1022. Competitive bids.

8 (a) Any purchase by a county with fewer than 2,000,000
9 inhabitants of services, materials, equipment or supplies in
10 excess of \$30,000, other than professional services, shall be
11 contracted for in one of the following ways:

12 (1) by a contract let to the lowest responsible bidder
13 after advertising for bids in a newspaper published within
14 the county or, if no newspaper is published within the
15 county, then a newspaper having general circulation within
16 the county; or

17 (2) by a contract let without advertising for bids in
18 the case of an emergency if authorized by the county board.

19 (b) In determining the lowest responsible bidder, the
20 county board shall take into consideration the qualities of the
21 articles supplied; their conformity with the specifications;
22 their suitability to the requirements of the county,
23 availability of support services; uniqueness of the service,

1 materials, equipment, or supplies as it applies to networked,
2 integrated computer systems; compatibility to existing
3 equipment; and the delivery terms. The county board also may
4 take into consideration whether a bidder is a private
5 enterprise or a State-controlled enterprise and,
6 notwithstanding any other provision of this Section or a lower
7 bid by a State-controlled enterprise, may let a contract to the
8 lowest responsible bidder that is a private enterprise.

9 (b-5) This subsection does not apply to contracts for
10 construction.

11 In determining the lowest responsible bidder, a local
12 company that bids no more than 10% higher than the lowest bid,
13 if that lowest bid is made by a non-local company, is the
14 lowest responsible bidder. If more than one local company's bid
15 is no more than 10% higher than the lowest bid made by a
16 non-local company, the county board shall follow subsection (b)
17 in determining the lowest responsible bidder among the local
18 company bids.

19 As used in this subsection:

20 "Local company" means a company or business entity located
21 within the contracting county or any contiguous county in the
22 State that has the majority of its regular, full-time workforce
23 located within the contracting county or contiguous county.

24 "Construction" includes, but is not limited to, all work on
25 public works involving laborers, workers, or mechanics,
26 including maintenance, repair, assembly, or disassembly work

1 performed on equipment whether owned, leased, or rented.

2 (c) This Section does not apply to contracts by a county
3 with the federal government or to purchases of used equipment,
4 purchases at auction or similar transactions which by their
5 very nature are not suitable to competitive bids, pursuant to
6 an ordinance adopted by the county board.

7 (d) Notwithstanding the provisions of this Section, a
8 county may let without advertising for bids in the case of
9 purchases and contracts, when individual orders do not exceed
10 \$35,000, for the use, purchase, delivery, movement, or
11 installation of data processing equipment, software, or
12 services and telecommunications and inter-connect equipment,
13 software, and services.

14 (e) A county may require, as a condition of any contract
15 for goods and services, that persons awarded a contract with
16 the county and all affiliates of the person collect and remit
17 Illinois Use Tax on all sales of tangible personal property
18 into the State of Illinois in accordance with the provisions of
19 the Illinois Use Tax Act regardless of whether the person or
20 affiliate is a "retailer maintaining a place of business within
21 this State" as defined in Section 2 of the Use Tax Act. For
22 purposes of this subsection (e), the term "affiliate" means any
23 entity that (1) directly, indirectly, or constructively
24 controls another entity, (2) is directly, indirectly, or
25 constructively controlled by another entity, or (3) is subject
26 to the control of a common entity. For purposes of this

1 subsection (e), an entity controls another entity if it owns,
2 directly or individually, more than 10% of the voting
3 securities of that entity. As used in this subsection (e), the
4 term "voting security" means a security that (1) confers upon
5 the holder the right to vote for the election of members of the
6 board of directors or similar governing body of the business or
7 (2) is convertible into, or entitles the holder to receive upon
8 its exercise, a security that confers such a right to vote. A
9 general partnership interest is a voting security.

10 (f) Bids submitted to, and contracts executed by, the
11 county may require a certification by the bidder or contractor
12 that the bidder or contractor is not barred from bidding for or
13 entering into a contract under this Section and that the bidder
14 or contractor acknowledges that the county may declare the
15 contract void if the certification completed pursuant to this
16 subsection (f) is false.

17 (Source: P.A. 95-331, eff. 8-21-07; 96-170, eff. 1-1-10.)

18 Section 10. The Township Code is amended by changing
19 Sections 85-30 as follows:

20 (60 ILCS 1/85-30)

21 Sec. 85-30. Purchases; bids.

22 (a) Any purchase by a township for services, materials,
23 equipment, or supplies in excess of \$20,000 (other than
24 professional services) shall be contracted for in one of the

1 following ways:

2 (1) By a contract let to the lowest responsible bidder
3 after advertising for bids at least once (i) in a newspaper
4 published within the township, or (ii) if no newspaper is
5 published within the township, then in one published within
6 the county, or (iii) if no newspaper is published within
7 the county, then in a newspaper having general circulation
8 within the township.

9 (2) By a contract let without advertising for bids in
10 the case of an emergency if authorized by the township
11 board.

12 (b) This subsection does not apply to contracts for
13 construction.

14 If a contract is let under item (1) of subsection (a), in
15 determining the lowest responsible bidder, a local company that
16 bids no more than 10% higher than the lowest bid, if that
17 lowest bid is made by a non-local company, is the lowest
18 responsible bidder. If more than one local company's bid is no
19 more than 10% higher than the lowest bid made by a non-local
20 company, the township board shall award the contract to the
21 lowest responsible bidder among the local company bids.

22 As used in this subsection:

23 "Local company" means a company or business entity located
24 within the contracting township or the county or counties in
25 which the township is located in the State that has the
26 majority of its regular, full-time workforce located within the

1 contracting township or the county or counties in which the
2 township is located.

3 "Construction" includes, but is not limited to, all work on
4 public works involving laborers, workers, or mechanics,
5 including maintenance, repair, assembly, or disassembly work
6 performed on equipment whether owned, leased, or rented.

7 (c) This Section does not apply to contracts by a township
8 with the federal government.

9 (Source: P.A. 94-435, eff. 8-2-05.)

10 Section 15. The Illinois Municipal Code is amended by
11 changing Section 8-9-1 as follows:

12 (65 ILCS 5/8-9-1) (from Ch. 24, par. 8-9-1)

13 Sec. 8-9-1. (a) In municipalities of less than 500,000
14 except as otherwise provided in Articles 4 and 5 any work or
15 other public improvement which is not to be paid for in whole
16 or in part by special assessment or special taxation, when the
17 expense thereof will exceed \$25,000, shall be constructed
18 either (1) by a contract let to the lowest responsible bidder
19 after advertising for bids, in the manner prescribed by
20 ordinance, except that any such contract may be entered into by
21 the proper officers without advertising for bids, if authorized
22 by a vote of two-thirds of all the aldermen or trustees then
23 holding office; or (2) in the following manner, if authorized
24 by a vote of two-thirds of all the aldermen or trustees then

1 holding office, to-wit: the commissioner of public works or
2 other proper officers to be designated by ordinance, shall
3 superintend and cause to be carried out the construction of the
4 work or other public improvement and shall employ exclusively
5 for the performance of all manual labor thereon, laborers and
6 artisans whom the municipality shall pay by the day or hour;
7 and all material of the value of \$25,000 and upward used in the
8 construction of the work or other public improvement, shall be
9 purchased by contract let to the lowest responsible bidder in
10 the manner to be prescribed by ordinance. However, nothing
11 contained in this section shall apply to any contract by a
12 city, village or incorporated town with the federal government
13 or any agency thereof.

14 (b) This subsection does not apply to contracts for
15 construction.

16 When entering into a contract let to the lowest responsible
17 bidder after advertising for bids under this Section, in
18 determining the lowest responsible bidder, a local company that
19 bids no more than 10% higher than the lowest bid, if that
20 lowest bid is made by a non-local company, is the lowest
21 responsible bidder. If more than one local company's bid is no
22 more than 10% higher than the lowest bid made by a non-local
23 company, the corporate authorities of the municipality shall
24 award the contract to the lowest responsible bidder among the
25 local company bids.

26 As used in this subsection:

1 "Local company" means a company or business entity located
2 within the contracting municipality or the county or counties
3 in which the municipality is located in the State that has the
4 majority of its regular, full-time workforce located within the
5 contracting municipality or the county or counties in which the
6 municipality is located.

7 "Construction" includes, but is not limited to, all work on
8 public works involving laborers, workers or mechanics,
9 including maintenance, repair, assembly, or disassembly work
10 performed on equipment whether owned, leased, or rented.

11 (c) In every city which has adopted Division 1 of Article
12 10, every such laborer or artisan shall be certified by the
13 civil service commission to the commissioner of public works or
14 other proper officers, in accordance with the requirement of
15 that division.

16 (d) In municipalities of 500,000 or more population the
17 letting of contracts for work or other public improvements of
18 the character described in this section shall be governed by
19 the provisions of Division 10 of this Article 8.

20 (Source: P.A. 100-338, eff. 8-25-17.)